United States Court of Appeals

for the Second Circuit

APPENDIX

PLEASE RETURN TO
RECORDS ROOM

77-1335

To be argued by
Kevin Ross

UNITED STATES COURT OF APPEALS

For the Second Circuit

Docket No. 77-1335

B
P/S

UNITED STATES OF AMERICA,

Appellee,

- against -

VINCENT FRANK SANTA,

Appellant.

On Appeal From the United States District Court for the Eastern District of New York

APPENDIX FOR DEFENDANT-APPELLANT

UNITED STATES COURT OF APPEALS
FILED
JAN 18 1978
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

Stephen G. Murphy,
Attorney for Appellant
123-35 82nd Road
Kew Gardens, NewYork 11415
(212) 793-0200

Kevin Ross
of Counsel

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PAGINATION AS IN ORIGINAL COPY

A-1

FELONY Fd A | Disp/Sentence | District | Office

SANTA, VINCENT JAMES
(LAST FIRST MIDDLE)

JUVENILE | No. of Defts 6

1 14 77 | 33 | MISHLER, J.
Docket No.

U.S. MAG CASE NO.

U.S. TITLE/SECTION	OFFENSES CHARGED	COUNTS
18:659	Theft of goods in i.c.c.	1

SUPERSEDING COUNTS

BAIL • RELEASE
Denied | AMT Set | Fugitive | Pers Recog | PSA
$ 000
Date
Bail Not Made
Status Changed (See Docket)
Conditions: 10% Deposit | Surety B | Collateral | 3rd Pty Cust | Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT X	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began	High Risk Date	1/17/77	Trial Set For	Voir Dire 5/16/77
Summons Served	Information 1-14-77	1st Plea "	X NG G NOL	Trial Began "
First Appearance	Indict Waived	Final Plea	G. Plea W/Drawn	Trial Ended 5/25/77
In Charging District	X Superseding Indict/Info 3/17/77		NG G NOL	Disposition of Charges 5-25-77
				Convicted: On All Charges / On Lesser Offense(s)
				Acquitted
				Dismissed: WOP: WP
				On Governm't's Motion

MAGISTRATE

	DATE	INITIAL/NO.
Search Warrant: Issued / Return		
Summons: Issued / Served		
Arrest Warrant Issued		
COMPLAINT ▶		
OFFENSE (in Complaint)		

	INITIAL/NO.
INITIAL APPEARANCE DATE ▶	
PRELIMINARY EXAMINATION OR REMOVAL HEARING: Date Scheduled ▶ / Date Held ▶	
WAIVED / NOT WAIVED	Tape Number
INTERVENING INDICTMENT	

OUTCOME
DISMISSED
HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

U.S. Attorneys or Asst: Corcoran
771,060

ATTORNEYS Defender | C.J.A. X | Ret'd | Waived | Self | None / Other | PD | CD
Stephen Murphy
133-35 82nd Rd
Queens, NY. 793-0200

* Show last names and suffix numbers of other defendants on same indictment/information
SAVINO 2; DE LUCA 3; JAMES DE FILIPPO 4; PASQUALE DE FILIPPO; 5
GOMEZ 6

DATE	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
1-14-77	Before Catoggio, J- Indictment filed - ordered sealed by the Court.	
1-17-77	Before MISHLER, CH J - case called - Indictment ordered unsealed - deft & atty Stephen Murphy present - deft arraigned and enters a plea of not guilty - Jan. 25,1977 for pleading on the remaining defts. This case to be consolidated with 75 CR 762.	1-17-77 P 2/4/77
1-17-77	Notice of appearance filed.	
2/4/77	Befor MISHLER, CH. J.- Case called. Trial set for 3/21/77.	2/4/77 3.18.77
2-7-77	Certificate of engagement filed to atty setting case for trial 3-21-77.	
3/17/77	SUPERSEDING INDICTMENT FILED. Before Chrein, j. -	
3.18.77	Before Mishler, J.- Case Called. Case adjd. without date for Trial on the underlying indictment. 4.1.77 for pleading on the Superseding Indictment. Trial on the Superseding Indictment set down for 5.16.77.	3.19.77 P 5-25-77
3-21-77	Letter filed with Certificate of engagement to atty setting case for trial May 16,1977	

FORM AO-256

A-2

4.1.77	Before Mishler, J.- Case Called. Deft. & Counsel present. Deft. arraigned and enters a plea of not guilty on his own behalf. 5.16.77 for Trial. Same bail conditions.
5.16.77	Before Mishler, J.- Case Called. Deft. & Counsel present. Motion to suppress argued by the Defts and denied. Trial ordered and begun. Jurors were selected and sworn. Trial continued to 5.17.77 at 10:00 A.M. gp
5/17/77	Before Mishler, Ch J-case called-all defts & counsel present-trial resumed-defts waived opening statement trial contd to 5/18/77,jlj
5-18-77	Before Mishler, Ch J - case called - deft & atty Stephen Murphy present - trial resumed - trial contd to 5-19-77 at 9:30 am.
5-19-77	Before Mishler, Ch J - case called - deft & atty present - trial resumed - trial contd to May 23, 1977.
5-23-77	Before Mishler, Ch J - case called - deft & atty present - trial resumed - motion for dismissal argued and denied. Trial contd to May 24, 1977.
5/24/77	Before Mishler, Ch J-case called-deft & counsel present except for the Savino-trial resumed-both sides rest-motion by the defts for a judgment of acquittal denied-trial contd to 5/25/77.jlj
5-25-77	6 volumes of transcripts filed (pgs 1 to 1275)rs.
5-25-77	Before MISHLER, CH J - case called - trial resumed - Marshals sworn - at 11:35 AM the jury retired for deliberations - at 2:40 PM the jury returned and rendered a verdict of guilty on counts 1 and 2 - jury polled - jury discharged - trial concluded - bail contd as to all defts - motions reserved until time of sentence. Sentencing ajd without date . Memorandum of Verdict filed.
5-25 77	By Mishler, Ch J 2 Orders of sustenance signed for lunch (16 persons) and coffee.
7-15-77	Before Mishler, Ch J - case called - deft & counsel S.Murphy present. Deft is sentenced to imprisonment for 10 years on count 1 under 18:4205(b)(2) and deft is sentenced to imprisonmentfor 5 years on count 2 under 18:4205(b)(2). Sentences on counts 1 and 2 are to run concurrently with each other and consecutively to the sentence imposed in the District of N.J. Clerk to file notice of appeal without payment of fee. On motion of AUSA Corcoran underlying and first superseding indictments are dismissed.
7-15-77	Judgment and commitment and order of probation filed - certified copies to probation & marshal.
7-15-77	Notice of appeal filed (no fee) docket entries and duplicate of notice mailed to the court of appeals.
8-29-77	Motion to vacate sentence pursuant to T-28:2255- criminal folder and copy of docket forwarded (SANTA)

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

A-3

STATES DISTRICT COURT
INAL DOCKET U.S. vs VINCENT JAMES SANTA

77 | 33 | 1
Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
9-1-77	Copy of letter filed received from Chambers dated 8-31-77 to Paul Corcoran, AUSA (retd to Chambers as directed) re motion to vacate etc.				
9-6-77	Scheduling order filed that the record on appeal be docketed on or before 9-12-77.				
9.12.77	Letter filed dated September- 12th, 1977 to Mr. Weston from Kevin G. Ross withdrawing the motion made under T-28, U.S.C., Section 2255.				gp
9.12.77	Record on Appeal certified and mailed to the Court of Appeals.				gp
9.19.77	Certified Copy of Docket entries filed received from the District of New Jersey.				gp
9.19.77	Certified Copy of Indictment filed received from the District of New Jersey.				gp
9.19.77	Certified Copy of Judgment and Probation/Commitment Order filed received from the District ofn New Jersey.				gp
9.19.77	Supplemental Record on Appeal certified and mailed to the Court of Appeals.				gp

A TRUE COPY
ATTEST
DATED 9-19 19 77
LEWIS ORGEL
CLERK
BY
DEPUTY CLERK

AO 256A

Interval (per Section II) | Start Date / End Date | Ltr. Code | Total Days

A-4

TRP:PFC:cj
F.#771,329

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - - x

UNITED STATES OF AMERICA

-against-

VINCENT JAMES SANTA, also known as "Jimmy Santa", JOHN SAVINO, JOSEPH DeLUCA, JAMES DeFILLIPO, PATRICK DeFILLIPO, also known as "Paddy DeFillipo" and MANUEL GOMEZ,

Defendants.

- - - - - - - - - - - - - - - - - - - x

SUPERSEDING INDICTMENT

Cr. No. 77CR215
(T. 18, U.S.C. §659)

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ MAR 17 1977 ★
TIME A.M.
P.M.

THE GRAND JURY CHARGES:

COUNT ONE

On or about and between the 11th day of March, 1975, and the 13th day of March, 1975, within the Eastern District of New York, the defendants VINCENT JAMES SANTA, also known as "Jimmy Santa", JOHN SAVINO, JOSEPH DeLUCA, JAMES DeFILLIPO, PATRICK DeFILLIPO, also known as "Paddy DeFillipo." and MANUEL GOMEZ, did wilfully and unlawfully receive and have in their possession approximately Six Thousand Nine Hundred and Ten (6,910) cartons of Schick Company products, having a value in excess of One Hundred Dollars ($100.00), which goods had been stolen from a Time - D.C. Trucking Corporation truck bearing California license plate number WY 6336, while moving as part of and constituting an interstate shipment of freight from West Haven, Connecticut to Annaheim, California, the defendants knowing the same to have been stolen. (Title 18, United States Code, Section 659).

COUNT TWO

On or about and between the 10th day of March, 1975 and the 19th day of March, 1975, both dates being approximate and inclusive, within the Eastern District of New York, the defendants VINCENT JAMES SANTA, also known as "Jimmy Santa", JOHN SAVINO, JOSEPH DeLUCA, JAMES DeFILLIPO, PATRICK DeFILLIPO, also known as "Paddy DeFillipo" and MANUEL GOMEZ, together with others not named herein, did knowingly, wilfully and intentionally combine, conspire, confederate and agree to commit an offense against the

United States in violation of Title 18, United States Code, Section 659 and Section 2, in that they did knowingly and wilfully conspire to receive and have in their possession, approximately Six Thousand Nine Hundred and Ten (6,910) cartons of Schick shaving products having a value in excess of One Hundred Dollars ($100.00), which goods were stolen from a tractor trailer while moving as and constituting an interstate shipment of freight from West Haven, Connecticut to Annaheim, California.

In furtherance of the said conspiracy and to effect the objectives thereof, the following overt acts, among others were committed within the Eastern District of New York:

OVERT ACTS

1. On March 10, 1975, the defendant MANUEL GOMEZ rented a 1975 Plymouth Fury from National Car Rental Systems, 160-14 Hillside Avenue, Jamaica, New York.

2. On March 12, 1975, the defendants VINCENT JAMES SANTA, also known as "Jimmy Santa", JOHN SAVINO, JOSEPH DeLUCA, JAMES DeFILLIPO, PATRICK DeFILLIPO, also known as "Paddy DeFillipo" and MANUEL GOMEZ did have in their possession approximately Six Thousand Nine Hundred and Ten (6,910) cartons of Schick shaving products which they placed in CBS and S & F Warehouses in Brooklyn, New York.

3. On March 13, 1975, the defendants VINCENT JAMES SANTA, also known as "Jimmy Santa", JOHN SAVINO, JOSEPH DeLUCA, JAMES DeFILLIPO and PATRICK DeFILLIPO, also known as "Paddy DeFillipo" met at 114-33 Lefferts Boulevard, Queens, New York and discussed the seizure of the Schick products by the Federal Bureau of Investigation. (Title 18, United States Code, Section 371).

A TRUE BILL.

FOREMAN

DAVID G. TRAGER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

A-6

EJD:SD:ib
F.#751,450

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- X

UNITED STATES OF AMERICA

-against-

PREMISES KNOWN AS CAR WAREHOUSE, INC., A MULTI-STORY RED BRICK BUILDING KNOWN AS BUILDING NO. 50 LOCATED AT THE FOOT OF 50th STREET, BROOKLYN, NEW YORK

Defendant.

AFFIDAVIT FOR A SEARCH WARRANT

(T.18, U.S.C., 3107)

- X

EASTERN DISTRICT OF NEW YORK, SS:

PATRICK F. COLGAN, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Your deponent has reason to believe that there is presently being concealed in the above-described premises a quantity of cartons bearing the name Schmick, Inc., with the Spec No. 02-40 on the said cartons which cartons have been stolen from Interstate Commerce in violation of Title 18, United States Code, Section 659.

The facts tending to establish the grounds for the issuance for a search warrant for the above-described premises are as follows:

(1) A communication to the Federal Bureau of Investigation from a Mr. James Lester, an employee of Kimt-D.C. Trucking Corp., of Secaucus, New Jersey, that a trailer owned and operated by Kimt-D.C. Trucking Corp., and bearing California License Plate No: WA5835 was hijacked on March 11, 1975. Mr. Lester further advised taking from the trailer 4910 cartons of Schmick rubber and toilet products which cartons were being shipped from the

A-87

Schmick, Inc., West Haven Conn. to Anaheim, California.

(2) A reliable confidential informant, who has previously supplied information to the Federal Bureau of Investigation which information has resulted in the arrest of one individual for the theft of approximately Seventy-Five Thousand Dollars ($75,000) worth of stolen merchandise and who's information has also lead to the recovery of approximately Twenty-Five Thousand Dollars ($25,000) worth of hijacked property and the arrest of two individuals in connection with that hijacking has stated, that he was in the above-described premises known as GBS Warehouse on March 12, 1975. While in the above-described warehouse the reliable informant observed several thousand cartons of Schmick super two bonded razors bearing the Schmick, Inc., Spec No. 02-40 on the cartons.

WHEREFORE, your deponent respectfully request that a search warrant be issued authorizing Special Agents of the Federal Bureau of Investigation to enter in day the premises known as GBS WAREHOUSE, INC., A THREE-STORY RED BRICK BUILDING KNOWN AS BUILDING NO. 58 LOCATED AT THE FOOT OF 50th STREET, BROOKLYN, NEW YORK, and there to search and seize the above-described property to the end that the same may be dealt with according to law.

Patrick V. Colgan Jr.

Sworn to before me this
13 day of March, 1975.

VINCENT A. CATOGGIO

UNITED STATES MAGISTRATE
EASTERN DISTRICT OF NEW YORK

A-8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

MANUEL V. GOMEZ, STANELY DIAMOND, VINCENT SANTA, a/k/a JIMMY SANTA, FRANK JOSEPH MALONEY, CHAIM KAHAN, SOLOMON WERCBERGER and MOR WERCBERGER,

Defendants.

NOTICE OF MOTION TO SUPPRESS

75-CR.762

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT

MAR 5, 1976

TIME A.M.
P.M.

S I R S:

PLEASE TAKE NOTICE, that upon the annexed memorandum of Stephen G. Murphy, Esq., the indictment and all the prior proceedings herein, the defendant, VINCENT SANTA, will move this Court before the Hon. Jacob Mishler on March 19, 1976 at 10:00 A.M. or as soon thereafter as counsel can be heard, in the United States Courthouse, 225 Cadman Plaza, Brooklyn, New York, for an order pursuant to Rule 41(f) F.R. Crim. P. suppressing all of the evidence seized by the Federal Bureau of Investigation and any other Government agents from the premises of defendants at CBS Warehouse, Inc. on or about March 13,1975 pursuant to a search warrant issued by the Hon. Vincent A. Catoggio on March 13,1975 upon the grounds that the aforesaid warrant was issued without probable cause and that the evidence seized was therefore the product of an unreasonable search and seizure; and for such other and further relief as to this Court seems just and proper.

Dated: Kew Gardens, New York
March 3, 1976

Yours, etc.

Stephen G. Murphy

STEPHEN G. MURPHY
Attorney for defendant
VINCENT SANTA
125-10 Queens Blvd.,
Kew Gardens, New York 11415
(212) 793-0200

-1-

39

A-109

TO: PAUL CORCORAN, ESQ.
Assistant U.S. Attorney
Eastern District of N.Y.
225 Cadman Plaza
Brooklyn, New York

SALVATORE QUAGLIATA, ESQ.
118-18 Union Turnpike
THOMAS O'BRIEN, ESQ.
Two Pennsylvania Plaza
New York, New York

THAL & YOUTT, ESQS.
Attorneys for Defendants
Chaim Kahan, Solomon Wercberger,
and Mor Wercberger
919 Third Av.
New York, New York 10022
(212) 751-3300

A-1D

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ JUL 8 - 1976 ★
TIME A.M.
P.M.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA :

-against- :

MANUEL V. GOMEZ, STANLEY DIAMOND, VINCENT SANTA, FRANK JOSEPH MALONEY, CHIAM KAHAN, SOLOMON WERCBERGER and MOR WERCBERGER, :

Defendants.

----------x

75 CR762

Memorandum of Decision and Order

July 6, 1976

MISHLER, CH. J.

Defendants Chiam Kahan, Solomon Wercberger and Mor Wercberger move pursuant to F.R.Crim.P. 41(f) to suppress certain evidence seized, pursuant to a search warrant on March 13, 1975, on the ground that the supporting affidavit fails to show probable cause. The affidavit of Patrick Colgan, special agent of the Federal Bureau of Investigation, states that he was advised that a truck carrying 6,910 cartons of Schick razors and toilet products was hijacked on March 11, 1975. A reliable informant advised Agent Colgan that he was at the CBS warehouse located at the foot of 50th Street in Brooklyn, New York on March 12, 1975, and "observed several thousand cartons of Schnick [sic] super two-bonded razors,

bearing the Schnick [sic] Inc., Spec No. 02-40 on the cartons." The supporting affidavit claims, and the government concedes, that the designation "Spec No. 02-40" is not an inventory number identifying the goods, but, instead, the manufacturer's code number designating the type of goods packaged in the carton (i.e., Schick II razors and blades). Briefly, defendant's argument is that the information that thousands of cartons of Schick razors and blades were seen in a warehouse on March 12, 1975 is not a sufficient basis for the reasonable belief that they were part of the same load of 6,910 cartons of Schick razors, blades, and toilet products hijacked the day before. 1/

Neither the reliability of the informant nor the reliability of the supplied information is challenged. See Aguilar v. State of Texas, 378 U.S. 108, 84 S.Ct. 1509 (1964), Spinelli v. United States, 392 U.S. 410, 89 S.Ct. 584 (1969). The question presented on this motion is whether the underlying facts in the affidavit (the hijacking of a truck containing thousands of cartons of Schick razors and toilet products on March 11, 1975, and the presence of several thousand of Schick razors at the warehouse searched on March 12, 1975), assuming them to be true, were sufficient

to draw a reasonable inference that the razors at the warehouse were part of the hijacked load. Vitali v. United States, 383 F.2d 121 (1st Cir. 1967).

Affidavits supporting search warrants are to be tested and interpreted in a common sense and realistic manner. United States v. Ventresca, 380 U.S. 102, 85 S.Ct. 741 (1965). The facts and circumstances must do more than arouse a suspicion that contraband is on the premises, but it need not rise to the level of proof necessary to convict. Brinegar v. United States, 338 U.S. 160, 69 S.Ct. 1302 (1949). The issue is whether the goods seen by the informant were likely to be the goods stolen the previous day.

Defendant argues that these products are so common that they "could be observed in hundreds of thousands of places throughout the United States on that same day." (Affidavit by Steven Thal, p. 5). While possible, it is unlikely that many places would have thousands of cartons of Schick razors on hand. The affidavit established that the quantity of razors observed at the warehouse on the day following the hijacking was extraordinary.

The court finds that the affidavit sufficiently demonstrated probable cause to believe that the cartons of

Schick razors at the CBS warehouse were part of the load hijacked on March 11, 1975.

The motion to suppress is denied, and it is SO ORDERED.

U. S. D. J.

A-1514

ATES DISTRICT COURT — CRIMINAL DOCKET

Felony XX / Misdemeanor ☐ / Other Offense ☐

JUDGE/MAGISTRATE: 207 District / 01 Office — Assigned Trial — Disp./Sentence

• U.S. vs. CHAIM KAHAN

75 CR 762-5 defendant

Case Filed: Day 6 Mo. 10 — Yr. 75 — Docket No. 762

No. of Defdnts 7

MAGR. CASE NO. 70,145

CHARGES

COUNTS	FELONIES
18-659 & 2	Theft of goods in i.c.c.

BAIL & RELEASE: ☐ Denied — ☐ Personal Rec — ☐ Unsecured Bd — ☐ Conditional Relea — AMT Set (000) $ 25 — date — ☐ Bail Not Made — ☐ Bail Status Changed (See Docket) — ☐ 10% De — ☐ Surety I — ☐ Collater — ☐ 3rd Part Custody — ☐ PSA

ATTORNEYS

U.S. Attorney or Asst.: Corcoran

Defense: Steven-Thai Harry Youtt — ~~666 Fifth Avenue, NYC 10019~~ 919-3rd Ave NYC — 586-3722- 751-3360

PROCEEDINGS

ARREST	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
3/4/75 or U.S. Custody Began on Above Charges	☐ Information 10-16-75	10/24/75	Trial Set For 12/1/75	Voir Dire ☐ 11/17/75
☐ High Risk Defn. & Date Design'd	☐ Waived	1st Plea 11	X Not Guilty ☐ Nolo ☐ Guilty	Trial Began ☐ 11 ☐ N J
☐ Prosecution Deferred	☐ Superseding ☐ Indict/Info	Final Plea	☐ Not Guilty ☐ Nolo ☐ Guilty	Trial Ended 11/25/75

Disposition: 3/18/77 — ☐ Convicted — ☐ Acquitted — ☐ Dismissed — ☐ Nolled/Discontinued* — ☐ On All Cha — ☐ On Lesser* Offense(s) — ☐ WOP; ☐

		DATE	INITIAL/No.
Search Warrant	Issued		
	Return		
Summons	Issued		
	Served		
Arrest Warrant			
COMPLAINT		3/4/75	MS 70 B
OFFENSE (In Complaint)		Theft of goods in i.c.c.	

INITIAL APPEARANCE — INITIAL/No.

PRELIMINARY EXAMINATION OR REMOVAL HEARING — Date Scheduled — Date Held — ☐ Waived — ☐ Not Waived — ☐ Intervening Indictment

Tape No. — INITIAL/No.

OUTCOME

☑ Dismissed 7/5 — ☐ Held for District GJ — BOND: ☐ Exonerated — ☐ To Transfer District — ☐ Held to Answer to U. S. District Court

AT:

Magistrate's Initials: MS 70 B

• Show last names and suffix numbers of other defendants on same indictment/information: GOMEZ 1 ; DIAMOND 2; SANTA 3 ; MALONEY 4; S.WERCBERGER 6; MOR WERCBERGER 7

DATE	PROCEEDINGS	V. Excludable Delay (a)	(b)	(c)
10-16-75	Before Neaher, J - Indictment filed - ordered sealed by the Court.			
10-21-75	Before Mishler, Ch J - Indictment ordered unsealed by the Court on consent of AUSA Corcoran.			
10/24/75	Before MISHIER,CH.J.- Case called- deft and counsel present- deft arraigned and enters a plea of not guilty-deft to be released upon execution of $25,000.00 P.R. bond- bail limits extended to include Conn. and N.J.- trial scheduled for 12/1/75.			
11/5/75	Letter from Harry Youtt dated 11/4/75 filed			
11/5/75	Letter from Judge Mishler, dated 11/5/75 that time for pre-trial discovery is extended to 11/21/75			
11-18-75	Notice of Motion filed, ret. Nov. 21, 1975 , for dismissal , right to speedy trial, Bill of Particulars, suppressing evidence, severance of Defts Kahan, Solomon and Mor Wercberger, from the trial of the other defts., and Memorandum of Law in support of motion, etc. filed.			
11-18-75	Notice of Readiness for Trial filed			
11-21-75	Govts affidavit in opposion to defts motion to dismiss,etc. filed.(received from Chambers)			
11-21-75	Before Mishler, Ch J - motion to dismiss - motion argued and motion denied (see back of motion papers)Motion by deft SANTA for Bill of Particulars, Inspection etc.Motion			

OPPOSITE THE APPLICABLE DOCKET ENTRIES IN SECTION IV SHOW, IN SECTION V, ANY OCCURRENCE OF EXCLUDABLE DELAY PER 18 USC §3161(h) — "SPEEDY TRIAL ACT".

A

A-1615

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
	granted and denied in part as indicated on the record. Case called Pre Trial conference held and concluded - hearing concluded - case reset for trial on 2-23-76.				
2-2-76	75 M 1846 inserted in CR file				
2-23-76	Before MISHLER, CH J -- case called - adjd to Mar. 29, 1976 for trial on consent.				
3-2-76	Notice of Motion filed, ret. Mar. 19, 1976, for suppressing evidence, etc.				
3/17//76	Copy of letter from Steven Thal dated 3/15/76 filed				
3-19-76	Before Mishler, Ch J - case called motion to suppress submitted - decision reserved.				
3-29-76	Before MISHLER, CH J - case called - adjd to 5-24-76 for trial on consent				
3-29-76	Certificate of Engagement and Memorandum to all counsel filed setting trial date to May 24, 1976				
5/24/76	Before MISHLER,CH.J.- Case called- adjd without date for trial				
6-8-76	Letter filed received from Chambers from counsel for the deft re adjournment of trial date.				
7-8-76	By MISHLER, CH. J. - Memorandum of Decision and Order dtd 7-6-76 denyingmotion to suppress filed.				
12-3-76	Before Mishler, J.- Case Called. 1-17-77 for Trial.		12-3-76 T		
12-13-76	Letter filed from counsel Harry Youtt, Esq. and copy of letter to AUSA Corcoran attached thereto(recvd from Chambers)		1-17-77		
1-17-77	Before Mishler, Ch J - case called - deft & counsel present - Trial ordered and begun - Jurors selected and sworn -Trial contd to 1-18-77.				
1-18-77	Before Mishler, J.- Case Called. Deft. & Counsel present. Hearing held on a motion to suppress. Hearing concluded. Motion to suppress denied as indicated on the record. Trial continued to 1-19-77 at 10:00 A.M.				
1/19/77	Before MISHLER, CH. J. - Case called. Deft & Counsel present. Trial resumed.Trial continued to 1/20/77 at 10:00 a.m.				
1.20.77	Before Mishler, J.- Case Called. Deft. present with Counsel. Trial resumed. Govt. rests. Motion of deft. for a judgment of acquittal is denied. Trial continued to 1-24-77 at 10:00 A.M.				
1-24-77	Before MISHLER, CH J - case called - deft & counsel present - trial resumed - Bpth sides rest - deft renews motion for judgment of acquittal - denied - trial contd to 1-25-77				
1-25-77	Stenographers transcript filed dated Jan. 17, 1977				
1-25-77	Before Mishler, Ch J - case called - deft & atty present - trial resumed - Marshals sworn - alt. Jurors discharged - at 9:45 am the jury retired for deliberations - at 1:45 PM the Jury returned and rendered a verdict of not guilty on count 1 and guilty on count 2 as to the deft. Jury polled and discharged. Trial concluded. All motions reserved to time of sentence - sentence adjd without date. Order of sustenance signed for Lunch .				
2-3-77	Three transcripts filed (one dated Jan. 18, Jan. 19 and Jan. 20, 1977 respectively)				

(a) Interval (per Section II)	(b) Start Date / End Date	(c) Cat. Code	(d) Time Days

A-1716

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

CHAIM KAHAN

75-762-5
Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
3/18/77	Before MISHLER, CH.J.- Case called. Deft & Counsel present. Deft sentenced to a term of imprisonment on count 2 for a period of 3 years pursuant to T-18:4205 (b)(2). Court advised deft of his right to appeal. Bail continued pending appeal.				
3/18/77	Judgment & Commitment filed. Certified copies to Marshals.				
3-23-77	Notice of appeal filed. Docket entries and duplicate of Notice mailed to the court of appeals				
4-7-77	Transcript filed dated 11-21-75				
4/8/77	Order filed received from the Cm of A that the record be filed on or before April 26 1977.				
4-22-77	Stipulation re inclusion of documents for record on appeal filed.				

A TRUE COPY
ATTEST
DATED
LEWIS
BY
DEPUTY CLERK

AO 256A

Interval (per Section II) | Start Date End Date | Ltr. | Total Cc'd Days

A-30

3

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ SEP 19 1977 ★
TIME A.M.
P.M.

A-18
17

D. C. Form No. 100

CRIMINAL DOCKET JUDGE LACEY Cr. 75-408

TITLE OF CASE		ATTORNEYS
THE UNITED STATES		For U. S.:
vs.		
U.S.3	VINCENT FRANK SANTA	
U.S.3	MORRIS SPIERS	
U.S.3	STANLEY A. DIAMOND	
U.S.3	JOSEPH DE LUCA	
U.S.3	~~PASQUALE DE FILIPPO~~ PATRICK DE FILLIPPO	For Defendant:
U.S.3	~~JAMES DE FILIPPO~~ JAMES DE FILLIPPO	
U.S.3	MICHAEL SCIANO	SEE SAPARATE SHEET FOR ATTORNEYS
	Counts - 2	

ABSTRACT OF COSTS	AMOUNT		CASH RECEIVED AND DISBURSED				
			DATE	NAME	RECEIVED	DISBURSED	
Fine,			9/9/76	Bail (Santa - From Cash)	5	20	
Clerk,			9/9/76	Appeal (Santa - From Bail)		00	
Marshal,			9-22-76	Appeal (Santa)	5	20	
Attorney,			9-22-76	Appeal (De Luca)	5	20	
Commissioner's Court,			9-28-76	Treas of US			5 00
Witnesses,							

DATE	PROCEEDINGS 18 U.S.C. Sec. 371;659
9-12-75	Indictment for knowingly conspiring to receive and possess goods stolen in interstate and foreign shipment; knowingly receiving and possessing goods stolen in interstate and foreign shipment filed 9-11-75.
9-12-75	Notice of Allocation and Assignment filed. (Newark-Lacey)
9-16-75	Stanley Diamond - Petition and Order for writ of habeas corpus filed 9-15-75. (Lacey)
9-16-75	Stanley Diamond - Writ issued.
9-17-75	Stanley Diamond _ Petition and Order for writ of habeas corpus filed. (Lacey)
9-17-75	Stanley Diamond - Writ issued.
9-18-75	Stanley Diamond - Copy of writ issued 9-16-75 with Marshal's return endorsed thereon filed.

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DATE	PROCEEDINGS
9-24-75	VINCENT FRANK SANTA - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Vincent F. Santa - Ordered bail continued. (Lacey) (9-22-75)
9-24-75	MORRIS SPIERS - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Morris Spiers - Ordered bail continued. (Lacey) (9-22-75)
9-24-75	STANLEY A. DIAMOND - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Stanley A. Diamond - Ordered bail continued. (Lacey) (9-22-75)
9-24-75	JOSEPH DE LUCA - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Joseph De Luca - Ordered bail fixed in the amount of $10,000.00
	personal recognizance. (Lacey) (9-22-75)
9-24-75	PASQUALE DE FELLIPO - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Pasquale De Fellipo - Ordered bail fixed in the amount of $10,000.00
	personal recognizance. (Lacey) (9-22-75)
9-24-75	JAMES DE FELLIPO - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	James De Fellipo - Ordered bail fixed in the amount of $10,000.00
	personal recognizance. (Lacey) (9-22-75)
9-24-75	MICHAEL SCARANO - Plea - Not Guilty. (Lacey) (9-22-75)
9-24-75	Michael Scarano - Ordered bail continued. (Lacey) (9-22-75)
9-24-75	Michael Scarano - Notice of Appearance filed 9-22-75.
9-24-75	Stanley Diamond - Notice of Appearance filed 9-22-75.
9-24-75	Joseph De Luca - Notice of Appearance filed 9-22-75.
9-24-75	James De Fillipo - Notice of Appearance filed 9-22-75.
10 20-75	Affidavit of Michael F. Coiro, Jr., Esq., attorney for defendant
	Joseph De Lucaforlleave to join in motions of P. De Fellipo filed 10-17
10-20-75	Affidavit of Salvatore F. Quagliata, Esq., attorney for defendant
	James De Fellipo for leave to join in motions of P. De Fellipo filed 10
10-21-75	Notice of motion of Vincent F. Santa for suppression of evidence returnal
	November 10, 1975, acknowledgment of service and memorandum attached
	filed 10-20-75.
10-21-75	Notice of motion of Vincent F. Santa for discovery and inspection return
	November 10, 1975, acknowledgment of service filed 10-20-75. (No brief)
10-21-75	Notice of motion of Vincent F. Santa for bill of particulars returnable
	November 10, 1975, acknowledgment of service and memorandum attached fil
	10-20-75.
10-30-75	MORRIS SPIERS - Ordered Fed. Pub. Defender appointed as counsel. (Lacey)
10-30-75	Morris Spiers - Ordered defendant to pay $50.00 permonth over the next f
	months for a total of $200.00. Payments are to be made on the first of e
	month, starting with November 1, 1975. These payments are to offset fees
	for assigned counsel. (Lacey) (10-28-75)

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CRIMINAL DOCKET Cr. 75-408

DATE	PROCEEDINGS
10-31-75	Notice of motion of Pasquale De Fellipo for bill of particulars; inspection and discovery; inspection of Grand Jury minutes; evidentiary suppression hearing returnable November 24, 1975, acknowledgment of service filed 10-30-75. (No brief)
11-6-75	MORRIS SPIERS - Order appointing Fed. Pub. Defender to represent defendant filed 11-3-75 (Lacey)
11-17-75	Affidavit of Richard D. Gregorio, Esq., in opposition to motions of Vincent F. Santa and Pasquale De Fellipo for suppression, discovery and bill of particulars filed 11-14-75.
11-25-75	Hearing on motion of VINCENT F. SANTA for bill of particulars. Ordered motion denied. (Lacey) (11-24-75)
11-25-75	Hearing on motion of VINCENT F. SANTA for discovery and inspection. Ordered motion denied. (Lacey) (11-24-75)
11-25-75	Hearing on motion of VINCENT F. SANTA for suppression of evidence. DECISION RESERVED. (Lacey) (11-24-75)
12-9-75	Hearing on motion of Pasquale De Fellipo, joined by James DeFellipo and Joseph DeLuca, for bill of particulars; inspection and discovery;. inspection of Grand Jury minutes; evidentiary suppression hearing. ORDERED motion re bill of particulars consented to in part and denied in part. ORDERED motion re inspection and discovery consented to in part, granted to in part and denied to in part. ORDERED motion re inspection of Grand Jury minutes denied. ORDERED hearing on motion for evidentiary suppression hearing adjourned to January 2, 1976. (Lacey) (12-8-75)
1-9-76	Ordered evidentiary suppression hearing adjourned to a date to be fixed. (Lacey) (1-6-76)
2-3-76	Morris Spiers - Consent Order releasing certain property from recognizar bond filed 1-30-76. (Lacey)
4-9-76	Notice of Motion of MORRIS SPIERS for return of illegally seized property returnable May 10, 1976, supporting affidavit; acknowledgment of service filed 4-6-76. (No Brief)
5-11-76	At call for hearing on motion of MORRIS SPIERS for return of illegally seized property Court indicated motion withdrawn. (Lacey) (5-10-76)
5-19-76	Order granting motion of PASQUALE DE FELIPO, JOSEPH DE LUCA and JAMES DE FELIPO to join in the motion of VINCENT FRANK SANTA for suppression of evidence filed 5-14-76. (Lacey) Notice mailed
[illegible]	[illegible] writ of habeas corpus re STANLEY MARCUS filed
[illegible]	[illegible] writ of habeas corpus issued 6-19-76.

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DATE	PROCEEDINGS
	[illegible]
	[illegible]
	[illegible] (7-[illegible]-76)
6-30-76	Notice of Motion of VINCENT FRANK SANTA for dismissal of Indictment returnable July 1, 1976, acknowledgment of service filed 6-30-76.
	(No Brief submitted)
6-30-76	Notice of Motion of MORRIS SPIERS for dismissal of Indictment returnable July 1, 1976, acknowledgment of service filed 6-30-76. (No brief submitted)
7-6-76	Hearing on motion of VINCENT FRANK SANTA for dismissal of indictment. Ordered motion denied. (Lacey)(7-1-76)
7-6-76	Hearing on motion of MORRIS SPIERS for dismissal of indictment. Ordered motion denied. (Lacey)(7-1-76)
7-6-76	Hearing on application of PASQUALE DE FILLIpo and JAMES DE FILLIPO to ame caption of indictment to read PATRICK DE FILLIPPO and JAMES DE FILLIPPO. Ordered application granted. (Lacey)(7-1-76)
7-6-76	Hearing on application of MORRIS SPIERS to strike alias from the indictme Ordered application denied. (Lacey)(7-1-76)
7-6-76	Order amending names of defendants as was shown on Indictment to PATRICK DE FILLIPPO and JAMES DE FILLIPPO filed 7-1-76. (Lacey) Notice mailed.
7-6-76	Continued evidentiary hearing on application of all defendants except Michael Scarano for suppression of evidence. Ordered evidentiary hearing continued to 7-2-76. (Lacey)(7-1-76)
7-6-76	Hearing on Gov's application to sever MICHAEL SCARANO from this Indictmer Ordered application granted. (Lacey)(7-1-76)
7-9-76	Continued evidentiary hearing on application of all defendants except Mic Scarano for suppression of evidence. (Lacey)(7-2-76) DECISION RESERVED.
7-9-76	Hearing on application of alldefendants, except Michael Scarano, for suppression of evidence. Ordered application denied. (Lacey)(7-6-76)
7-9-76	Hearing on application of MORRIS SPIERS, STANLEY DIAMOND, JOSEPH DE LUCA JAMES DE FILLIPPO and PATRICK DE FILLIPPO joined by the Government for severance from VINCENT FRANK SANTA. Ordered application granted. (Lacey)(7-6-76)
7-9-76	Ordered trial of remaining defendants set for July 13, 1976. (Lacey) (7-6-76)
7-9-76	TRIAL MOVED as to VINCENT FRANK SANTA before HON. FREDERICK B. LACEY, Judge and Jury. (7-6-76) Jury Sworn. Trial adjourned to 7-7-76.
7-9-76	TRIAL CONTINUED. (7-7-76) Trial adjourned to 7-8-76.

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DATE	PROCEEDINGS
7-19-76	TRIAL CONTINUED. (7-19-76)
	Continued hearing on applications of all defendants for a mistrial. Ordered applications denied.
	Continued hearing on application of Michael Coiro, Esq. and Salvatore Quagliata, Esq. for Court to relieve them as Counsel. Ordered application denied.
	Trial adjourned to 7-20-76.
7-23-76	TRIAL CONTINUED. (7-20-76)
	Hearing on applications of all defendants for judgments of acquittal. Ordered applications denied.
	VERDICT: JOSEPH DE LUCA: Guilty on Counts 1 and 2.
	PATRICK DE FILLIPPO: Guilty on Counts 1 and 2.
	JAMES DE FILLIPPO: Guilty on Counts 1 and 2.
	Ordered all defendants continued on bail.
7-23-76	Jury Question #1 filed 7-20-76.
7-23-76	Jury Question #2 filed 7-20-76.
7-23-76	Jury Verdict filed 7-20-76.
7-27-76	Hearing on application of Vincent Frank SANTA for a new trial. Ordered hearing to July 30, 1976. (Lacey)(7-23-76)
7-28-76	Stipulation for Trial of JOSEPH DE LUCA, PATRICK DE FILLIPPO and JAMES DE FILLIPPO (Ct. Ex. 1) re testimony of U.S. Customs Inspector Stuart Rosenberg as to Bidermar S.A. Commercial Invoices filed 7-23-76.
7-28-76	Stipulation for Trial of JOSEPH DE LUCA, PATRICK DE FILLIPPO and JAMES DE FILLIPPO (Ct. Ex. 2) re testimony of Pitkin Drummings re cargo filed 7-23-76.
7-28-76	Stipulation for Trial of JOSEPH DE LUCA, PATRICK DE FILLIPPO and JAMES DE FILLIPPO (Ct. Ex. 3) re testimony of Barry Gillis, Import Specialist, re value of goods filed 7-23-76.
7-28-76	Stipulation for Trial of JOSEPH DE LUCA, et als., re testimony of Anthony Ciardi, Spec. Agent, U.S. Customs, filed 7-23-76.
7-28-76	Stipulation for Trial of JOSEPH DE LUCA, et als., re testimony of Michael Scarano filed 7-23-76.
7-28-76	Copy of Amended Indictment (Ct. 6) filed 7-23-76.
7-30-76	Record on Appeal sent to U.S.C.A. (Notice mailed)
8-2-76	Vincent Frank Santa - Affidavit of FBI Spec. Agent Charles E. Colitre setting forth facts re report under Bureau file #15-77-95 filed 7-29-76.

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DATE	PROCEEDINGS
8-2-76	Vincent Frank Santa - Affidavit of FBI Spec. Agent James Coble re documen
	turned over to defendant filed 7-29-76.
8-3-76	VINCENT FRANK SANTA - Certified copy of Order of U.S.C.A. denying
	defendant's motion for bail pending appeal filed 8-2-76. (Notice mailed
8-3-76	Supplemental Record on Appeal sent to U.S.C.A. (Notice mailed)
8-4-76	Hearing on motion of VINCENT FRANK SANTA for a new trial. Ordered hearin
	continued to September 13, 1976. (Lacey)(7-30-76)
9-14-76	STANLEY DIAMOND - Petition and Order for writ of habeas corpus filed
	9-8-76. (Lacey)
9-14-76	Stanley Diamond - Writ issued 9-8-76.
-14-76	Transcript of Trial (Volumes 4 and 5) filed 9-13-76.
-14-76	FRANK SANTA - Transcript of hearing held July 23, 1976 filed 9-13-76.
9-16-76	MICHAEL SCARANO - Ordered Gov's application for dismissal of Indictment
	granted. Order to be submitted. (Lacey)(9-10-76)
9-16-76	VINCENT FRANK SANTA - SENTENCE: Ten years on Count 2. Five years on
	Count 1 to run concurrent with the sentence imposed on Count 2.
	(Lacey)(9-13-76)
9-16-76	SANTA - Hearing on defendant's application for bail pending appeal. Orde
	application denied. (Lacey)(9-13-76)
9-16-76	SANTA - Ordered defendant remanded to Metropolitan Correctional Center.
	(Lacey)(9-13-76)
-16-76	MORRIS SPIERS - SENTENCE: Three years on Count 1. (Lacey)(9-13-76)
-16-76	SPIERS - Hearing on defendant's application for stay of execution of
	sentence. Ordered application denied. (Lacey)(9-13-76)
-16-76	SPIERS - Ordered Govt's application for dismissal of Count 2 granted.
	(Lacey)(9-13-76)
-16-76	STANLEY A. DIAMOND - SENTENCE: Three years on Count 1 to run consecutiv
	to sentence of four years imposed in E.D.N.Y. on Indictment
	Cr. 75-716 and consecutive to the two eight-year sentences imposed
	in the E.D.Va. on Indictment 75 Cr. 0063-R. (Lacey)(9-13-76)
-16-76	DIAMOND - Ordered Government's application for dismissal of Count 2 gran
	Order to be submitted. (Lacey)(9-13-76)
-16-76	SPIERS - Dismissal of Count 2 with the leave of Court filed 9-15-76.
	(Lacey)
-16-76	SANTA - Continued hearing on motion of Vincent Frank Santa for a new trial
	Ordered motion denied. (Lacey)(9-13-76)

CRIMINAL DOCKET Cr. 75-408

DATE	PROCEEDINGS
7-9-76	Motion of MORRIS SPIERS, et als., for suppression of evidence filed 7-7-76. (No Brief submitted)
7-13-76	TRIAL CONTINUED. (7-8-76)
	Hearing on defendant's application for judgment of acquittal.
	Ordered application denied.
	Trial adjourned to 7-9-76.
7-13-76	TRIAL CONTINUED. (7-9-76)
	Hearing on defendant's motion for judgment of acquittal.
	Ordered motion denied.
	Trial adjourned to 7-12-76.
7-15-76	TRIAL CONTINUED. (7-12-76)
	Hearing on defendant's application for mistrial. Ordered application denied.
	VERDICT: GUILTY.
	Hearing on Government's application for revocation of bail of defendant. Ordered application granted.
	Ordered bail vacated.
	Ordered defendant remanded to custody of U.S. Marshal.
7-15-76	Stipulation for Trial (Ct. Exhibit 1) re testimony of U.S. Customs Inspector Stuart Rosenberg as to Biderman S.A. Commercial Invoice filed 7-12-76.
7-15-76	Stipulation for Trial (Ct. Exhibit 2) re testimony of Pitkin Drummings re cargo filed 7-12-76.
7-15-76	Stipulation for Trial (Ct. Exhibit 3) re tistimony of Barry Gillis, Import Specialist, re value of goods filed 7-12-76.
7-15-76	Redacted Indictment (Ct. I.D. 10) filed 7-12-76.
7-12-76	Jury communication No. 1 filed 7-12-76.
7-12-76	Jury communication No. 2 filed 7-12-76.
7-16-76	Order granting U.S. application for revocation of bail and directing VINCENT FRANK SANTA's bail be vacated and defendant detained filed. (Lacey) Notice mailed
7-19-76	Hearing on application of MORRIS SPIERS, joined by STANLEY DIAMOND, JOSEPH DE LUCA, PATRICK DE FILLIPPO and JAMES DE FILLIPPO, for a continuance of trial. Ordered application denied. (Lacey)(7-13-76)
7-19-76	Hearing on application of MORRIS SPIERS, joined by JOSEPH DE LUCA, PATRICK DE FILLIPPO, and JAMES DE FILLIPPO, for Judge Lacey to recuse himself. Ordered application denied. (Lacey)(7-13-76)

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DATE	PROCEEDINGS
7-19-76	MORRIS SPIERS - Defendant retracted his plea of Not Guilty to Count 1 and
	pleaded Guilty to Count 1. (Lacey)(7-13-76)
7-19-76	MORRIS SPIERS - Ordered bail continued. (Lacey)(7-13-76)
7-19-76	STANLEY DIAMOND - Defendant retracted his plea of Not Guilty to Count 1 a
	pleaded Guilty to Count 1. (Lacey)(7-13-76)
7-19-76	STANLEY DIAMOND - Ordered bail continued. (Lacey)(7-13-76)
7-19-76	STANLEY DIAMOND - Ordered defendant remanded. (Lacey)(7-13-76)
7-19-76	TRIAL as to JOSEPH DE LUCA, PATRICK DE FILLIPPO and JAMES DE FILLIPPO
	MOVED BEFORE HON. FREDERICK B. LACEY, Judge and Jury. (7-13-76)
	Jury Sworn
	Trial adjourned to July 14, 1976.
7-19-76	TRIAL CONTINUED. (7-14-76)
	Trial adjourned to 7-16-76.
7-19-76	Transcript re all defendants of hearing held June 25, 1976, filed 7-16-76
7-19-76	Transcript re all defendants of hearing held July 1, 1976 filed 7-16-76.
7-19-76	Transcript re all defendants except Michael Scarano of hearing held
	July 2, 1976 filed 7-16-76.
7-19-76	Transcript re all defendant s except Michael Scarano of hearing held
	July 6, 1976 filed 7-16-76.
7-19-76	Transcript of trial of VINCENT SANTA (5 volumes) filed 7-16-76.
7-19-76	Notice of Appeal of VINCENT FRANK SANTA from Order revoking bail upon a
	guilty verdict filed 7-16-76.
7-19-76	Copies of Notice of Appeal of Vincent Frank Santa re bail sent to U.S.C.A
	and U. S. Attorney.
7-19-76	Notice of Appeal of VINCENT FRANK SANTA from Order directing that defend
	be detained upon a guilty verdict filed 7-16-76.
7-19-76	Copies of Notice of Appeal of Vincent Frank Santa re being detained sent
	to U.S.C.A. and U.S. Attorney.
7-22-76	TRIAL CONTINUED. (7-16-76)
	Hearing on applications of all defendants for a mistrial. Ordered
	hearing continued to July19, 1976.
	Hearing on application of Michael Coiro, Esq. and Salvatore Quaglia
	Esq. for Court to relieve them as counsel. Ordered hearing continu
	to July 19, 1976.
	Trial adjourned to 7-19-76.
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CRIMINAL DOCKET

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DATE	PROCEEDINGS
9-17-76	JOSEPH DE LUCA - SENTENCE: Four years on Count 1. Four years on Count 2 to run concurrent with the sentence imposed on Count 1. (Lacey)(9-15-76)
9-17-76	JOSEPH DE LUCA - Hearing on defendant's application for stay of executi of sentence until Sept. 29, 1976. Ordered application granted. (Lacey)(9-15-76)
9-17-76	JOSEPH DE LUCA - Ordered defendant's bail increased from $10,000.00 personal recognizance to $10,000.00 surety. (Lacey)(9-15-76)
9-17-76	JOSEPH DE LUCA - Ordered defendant remanded to custody of U.S. Marshal until bail is posted. (Lacey)(9-15-76)
9-17-76	JOSEPH DE LUCA - Order increasing bail to $10,000.00 surety filed 9-16-76. (Lacey)
9-17-76	PATRICK DE FILLIPPO - SENTENCE: Count 1 - Two years. Count 2 - Two years to run concurrent with sentence on Count 1. (Lacey)(9-15-76)
9-17-76	PATRICK DE FILLIPPO - Hearing on defendant's application for bail pendi appeal. Ordered application denied. (Lacey)(9-15-76)
9-17-76	PATRICK DE FILLIPPO - Ordered defendant remanded. (Lacey)(9-15-76)
9-17-76	JAMES DE FILLIPPO - SENTENCE: Two years on Count 1. Two years on Count 2 to run concurrent with sentence on Count 1. (Lacey)(9-15-7
9-20-76	VINCENT FRANK SANTA - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	MORRIS SPIERS - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	STANLEY A. DIAMOND - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	JOSEPH DE LUCA - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	PATRICK DE FILLIPPO - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	JAMES DE FILLIPPO - Judgment and Commitment filed 9-16-76. (Lacey)
9-20-76	STANLEY DIAMOND - Dismissal of Count 2 with the leave of Court filed 9-17-76. (Lacey)
9-23-76	VINCENT FRANK SANTA - Notice of Appeal of defendant filed 9-20-76.
9-23-76	VINCENT FRANK SANTA - Copies of Notice of Appeal sent to U.S.C.A. and U. S. Attorney.
9-24-76	STANLEY A. DIAMOND - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-21-76.
9-24-76	JAMES DE FILLIPPO - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-21-76.
9-24-7	PATRICK DE FILLIPPO - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-21-76.
9-24-76	MORRIS SPIERS - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-21-76.

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DATE	PROCEEDINGS
9-24-7[illegible]	VINCENT FRANK SANTA - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-21-76.
[illegible]-[illegible]-7[illegible]	JOSEPH DE LUCA - Notice of motion of defendant for bail pending appeal returnable 9-27-76; affidavit of service filed. (No Brief)
9-27-7[illegible]	JOSEPH DE LUCA - Notice of Appeal of defendant filed 9-24-76.
9-27-7[illegible]	JOSEPH DE LUCA - Copies of Notice of Appeal sent to U.S.C.A. and U.S. Attorney.
9-30-76	JOSEPH DE LUCA - Hearing on motion of defendant for bail pending appeal. Ordered motion denied. (Lacey) (9-28-76)
10-1-76	Joseph De Luca - Copy of Judgment and Commitment with Marshal's return endorsed thereon filed 9-30-76.
10-4-76	Joseph De Luca - Order denying defendant's motion for bail pending appeal filed 9-30-76. (Lacey) Notice mailed
10-4-76	MICHAEL SCARANO - Dismissal of the Indictment with the leave of Court filed 9-30-76. (Lacey)
10-5-76	JOSEPH DE LUCA - Certified copy of Order of U.S.C.A. directing counsel to make application to the District Court forthwith for transcript if not on file and also setting briefing schedules filed 10-4-76.
10-5-76	VINCENT FRANK SANTA - Certified copy of Order of U.S.C.A. directing counsel to make application to the District Court forthwith for transcript if not on file and also setting briefing schedules filed 10-4-76.
10-12-76	First Supplemental Record on Appeal sent to U.S.C.A. (Notice mailed)
10-13-76	Vincent Frank Santa - Transcript of motion and sentence filed 10-12-76
10-15-76	Stanley A. Diamond and Louis Spiers - Transcript of sentence filed 10-12-76.
10-15-76	Joseph De Luca, Patrick DiPillipo and James DePillipo - Transcript of sentence filed 10-12-76.
10-21-76	Second Supplemental Record on Appeal sent to U.S.C.A. (Notice mailed)
10-21-76	JOSEPH DE LUCA - Certified copy of Order of U.S.C.A. holding in abeyan defendant's motion for release pending appeal and directing U.S. to file answer forthwith filed 10-21-76.
11-17-76	Notice of motion of defendant, Stanley A. Diamond for a reduction of sentence returnable December 27, 1976, proof of service filed 11-15-76 (Brief submitted)
11-17-76	Joseph De Luca - Copy of Judgment and commitment with Marshal's return endorsed thereon filed 11-15-76.

CRIMINAL DOCKET

Cr. 75-408

A-27

DATE	PROCEEDINGS
12-27-76	JAMES DE FILLIPPO - Letter Application of defendant for reduction of sentence filed 12-16-76.
12-27-76	JAMES DE FILLIPPO - Letter Opinion filed 12-16-76. (Lacey) (denying defendant's letter application for reduction of sentence)
12-27-76	JAMES DE FILLIPPO - Order denying defendant's motion for reduction of sentence filed 12-20-76. (Lacey) Notice mailed
12-27-76	PATRICK DE FILLIPPO - Letter-Application of defendant for reduction of sentence filed 12-16-76.
12-27-76	PATRICK DE FILLIPPO - Letter of Defendant's wife in support of application for reduction of sentence filed 12-16-76.
12-27-76	PATRICK DE FILLIPPO - Letter-Opinion filed 12-16-76. (Lacey) (denying defendant's application for reduction of sentence)
12-27-76	PATRICK DE FILLIPPO - Order denying defendant's motion for reduction of sentence filed 12-20-76. (Lacey) Notice mailed
12-27-76	JOSEPH DELUCA - Certified copy of Order of U.S.C.A. denying defendant's motion for release pending appeal filed 12-20-76.
12-28-76	MORRIS SPIERS - Motion of Defendant for Reduction of Sentence and proof of service filed 12-27-76. (No Brief)
1-7-77	MORRIS SPIERS - Letter-Application of defendant for reduction of sentence filed 1-5-77.
1-7-77	MORRIS SPIERS - Letter of Sandra A. Gunther, daughter of defendant, in support of motion for reduction of sentence filed 1-5-77.
1-7-77	MORRIS SPIERS - Letter of Patricia L. Spiers, daughter of defendant, in support of motion for reduction of sentence filed 1-5-77.
1-7-77	MORRIS SPIERS - Letter-Opinion filed 1-5-77. (Lacey) (denying defendan motion for reduction of sentence)
1-7-77	MORRIS SPIERS - Order denying defendant's motion for reduction of sentence filed 1-5-77. (Lacey) Notice mailed
1-13-77	STANLEY A. DIAMOND - Hearing on motion of defendant for reduction of sentence. Ordered motion denied. Order to be submitted. (Lacey) (1-10-77)
1-31-77	STANELY DIAMOND - Order denying defendnt's motion for reduction of sentence filed 1-24-77. (Lacey) Notice Mailed
7-12-77	VINCENT FRANK SANTA - Certified copy of Judgment Order of U.S.C.A. in lieu of mandate affirming Judgment of the U.S.D.C., filed 7-11-77. Notice mailed.
7-12-77	JOSEPH DE LUCA - Certified copy of Judgment Order of U.S.C.A. in lieu mandate affirming Judgment of the U.S.D.C. filed 7-11-77. Notice Mailed.

D. C. 105

DATE	PROCEEDINGS
8-18-77	DELUCA - Petition and Letter Opinion and Order denying reduction of se
	sentence filed 8-15-77. (Lacey)
8-31-77	JOSEPH DELUCA - Defendant's motion for reduction of sentence filed 8-31-
8-31-77	JOSEPH DELUCA - Letter Opinion filed 8-31-77. (Lacey)
9-2-77	JOSEPH DELUCA - Order denying deft's motion for reduction of sentence
	filed 8-31-77. (Lacey)(Notice Mailed.)

I hereby certify that the foregoing is a TRUE COPY of the original on file in my office.

Angelo A. Iacobelo Clerk

For [illegible] Deputy

A-29
A-30

PDG:mkh

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ SEP 19 1977 ★
TIME A.M.
P.M.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No. 75-408
vs.	:	18 USC § 2 18 USC § 371
VINCENT FRANK SANTA, a/k/a/ "Jimmy Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike"; STANLEY A. DIAMOND; JOSEPH DE LUCA; PASQUALE DE FELLIPO, a/k/a/ "Patty"; JAMES DE FELLIPO, a/k/a/ "Jimmy", and MICHAEL SCARANO,	:	18 USC § 659
Defendants	:	

FILED
SEP 11 1975
~~8:30~~ 10:45 A.M.
ANGELO W. LOCASCIO

I N D I C T M E N T

The Grand Jury, in and for the District of New Jersey, sitting at Newark, charges:

COUNT I

That from in or about the month of October, 1974, and continuously thereafter, up to and including on or about December 2, 1974, in the District of New Jersey,

VINCENT FRANK SANTA,
a/k/a/ "Jimmy Santa";
MORRIS SPIERS,
a/k/a/ "Garlic Mike";
STANLEY A. DIAMOND;
JOSEPH DE LUCA;
PASQUALE DE FELLIPO,
a/k/a/ "Patty";
JAMES DE FELLIPO,
a/k/a/ "Jimmy", and
MICHAEL SCARANO,

willfully and knowingly did combine, conspire, confederate, and agree together, with each other, and with other persons to the Grand Jury unknown, to knowingly and willfully receive and have in their possession, knowing the same to have been stolen, goods and chattels valued in excess of

one hundred dollars ($100), which were moving as, which were a part of, and which constituted an interstate and foreign shipment of freight from Paris, France to Secaucus, New Jersey, in violation of Title 18, United States Code, Section 659.

It was part of said conspiracy that VINCENT SANTA, a/k/a/ "Jimmy Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike"; STANLEY DIAMOND; PASQUALE DE FELLIPO, a/k/a/ "Patty"; JAMES DE FELLIPO, a/k/a/ "Jimmy"; JOSEPH DE LUCA, and MICHAEL SCARANO, would receive, transport, and possess approximately one hundred twenty (120) cartons of Yves St. Laurent suits and sport coats, which had been stolen while being transported in interstate and foreign commerce between Paris, France and Secaucus, New Jersey. Said one hundred twenty (120) cartons of Yves St. Laurent suits and sport coats had a domestic value in excess of $100,000.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants and co-conspirators, in the District of New Jersey, committed and caused to be committed the following:

1. In or about the month of October, 1974, MICHAEL SCARANO subleased warehouse space at 100 Church Street, Matawan, New Jersey, to VINCENT SANTA, a/k/a/ "Jimmy Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike", and STANLEY DIAMOND.

2. On or about November 26, 1974, VINCENT FRANK SANTA, a/k/a/ "Jimmy Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike"; JOSEPH DE LUCA; PASQUALE DE FELLIPO, a/k/a. "Patty"; JAMES DE FELLIPO, a/k/a/ "Jimmy", and MICHAEL SCARANO met

at the warehouse facility at 100 Church Street, Dock 7, Matawan, New Jersey.

3. On or about November 26, 1974, STANLEY DIAMOND arrived at a warehouse facility at 100 Church Street, Matawan, New Jersey, driving an Air-Freight Transportation, Inc. Truck and there met with VINCENT FRANK SANTA, a/k/a/ "Jimmy Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike"; JOSEPH DE LUCA; PASQUALE DE FELLIPO, a/k/a "Patty"; JAMES DE FELLIPO, a/k/a/ "Jimmy"; and MICHAEL SCARANO and participated in unloading, inventorying, and storing goods and merchandise contained in the truck driven by STANLEY DIAMOND.

4. On or about December 2, 1974, JOSEPH DE LUCA went to 100 Church Street, Matawan, New Jersey.

5. On or about December 2, 1974, VINCENT FRANK SANTA, a/k/a/ "Jimmy Santa"; and MICHAEL SCARANO loaded a quantity of stolen goods and merchandise at 100 Church Street, Matawan, New Jersey, into a rented U-Haul van.

In violation of Title 18, United States Code, Section 371.

COUNT II

On or about November 26, 1974, to on or about December 2, 1974,

VINCENT FRANK SANTA,
a/k/a/ "Jimmy Santa";
MORRIS SPIERS,
a/k/a/ "Garlic Mike";
STANLEY DIAMOND;
JOSEPH DE LUCA;
PASQUALE DE FELLIPO,
a/k/a/ "Patty";
JAMES DE FELLIPO,
a/k/a/ "Jimmy" and
MICHAEL SCARANO

willfully and knowingly did receive and have in their

possession goods and chattels of a value in excess of one hundred dollars ($100), that is, one hundred twenty (120) cartons of men's suits and sport coats which had been stolen and unlawfully carried away from an Air-Freight Transportation Inc. motor truck, while the said goods and chattels were moving as, were part of, and constituted an interstate and foreign shipment of freight from Paris, France to Secaucus, New Jersey, the said VINCENT FRANK SANTA, a/k/a/ "Jimmy'Santa"; MORRIS SPIERS, a/k/a/ "Garlic Mike"; STANLEY DIAMOND; JOSEPH DE LUCA; PASQUALE DE FELLIPO, a/k/a/ "Patty"; JAMES DE FELLIPO, a/k/a/ "Jimmy"; and MICHAEL SCARANO then knowing said goods and chattels to have been stolen.

In violation of Title 18, United States Code, Sections 659 and 2.

A TRUE BILL:

FOREMAN

JONATHAN L. GOLDSTEIN
United States Attorney

CHARLES L. WEINTRAUB
Special Attorney
United States Department of Justice

I hereby certify that the foregoing is a TRUE COPY of the original on file in my office.

Angelo W. Lo[illegible] Clerk

Per [illegible] Deputy

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United States of America vs.

United States District Court for THE DISTRICT OF NEW JERSEY

DEFENDANT: VINCENT FRANK SANTA

DOCKET NO.: CRIMINAL 75-408

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date — MONTH SEPTEMBER DAY 13, YEAR 1976

[ ] WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

[X] WITH COUNSEL Stephen Murphy, Esq. (Name of counsel)

PLEA

[ ] GUILTY, and the court being satisfied that there is a factual basis for the plea, [ ] NOLO CONTENDERE, [X] NOT GUILTY

FINDING & JUDGMENT

There being a verdict of [ ] NOT GUILTY. Defendant is discharged [X] GUILTY.

Defendant has been convicted as charged of the offense(s) of knowingly conspiring to receive & possess goods stolen in interstate & foreign shipment. (Count 1); knowingly receiving & possessing goods stolen in interstate and foreign shipment. (Count 2)

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrar was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

ten (10) years, on Count 2;
Five (5) years, on Count 1, to run concurrent with the sentence imposed on Count 2.

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ SEP 19 1977 ★
TIME A.M. 8
P.M.

FILED
SEP 14 1976
8:30 1:30 P.M.
ANGELO W. LOCASCIO

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on t reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revo probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

I hereby certify that the foregoing is a XXXX COPY of the original on file in my office.
Angelo W. Locascio, Clerk
Per [illegible], Deputy

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY
[X] U. S. District Judge
[ ] U.S. Magistrate

[signature]

DATE 9/14/76